

**Notice of Allowability**

Application No.

09/732,506

Examiner

Sheela C. Chawan

Applicant(s)

BOUGUET ET AL.

Art Unit

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Nov 28, 2005.
2. ☒ The allowed claim(s) is/are 1-3, 5, 6, 8-26, 28-47 and 49-66, Renumbered as 1-61.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892) *paper # 7, 1/21/05, 7/22/05*
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***DETAILED ACTION***

***Response to Amendment***

1. Applicant's amendment filed on Nov 28, 2005 has been entered.  
Claims 4, 7, 27 and 48 are cancelled.  
Claims 1-3, 5- 6, 8 - 26, 28 - 47, 49 – 66 are pending in the application and  
Renumbered as 1- 61.

***Response to Arguments***

2. As pointed out by the applicant's Remark, see page 22, lines 9 -19 with respect to claims 1- 3, 5 - 9, 11, 26, 32, 35, 36, 38 - 43, 45 - 46, 47,49 - 52, 63 - 64 under 102(e) has been withdrawn and are now allowed.

***Drawings***

3. Drawings filed on 5/11/01 have been approved by examiner

***Reason For Allowance***

4. The following is an examiner's statement of reasons for allowance:  
Claims 1-3, 5- 6, 8 - 26, 28 - 47, and 49 – 66 are allowed. As pointed out by the applicant's Remark, see page 22, lines 9-19, filed Nov 28, 2005 with respect to claims 1-3, 5- 6, 8 - 26, 28 - 47, 49 – 66 have been fully considered and as a result amended claim 1, 10, 26, 27, 33, 34, 37, 44 and 56 is now indicated allowable, as they include allowable subject matter of the objected claims 4, 10, 27- 31,33,34,37,44,56, 61, 62 (as pointed in the last office action mailed 7/28/05). Claims 1-3, 5-9, 11,26,32,35,36,38- 43,45-46, 47,49- 52, 63-66 has been withdrawn from the rejection and is allowed.

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The prior art of record Mech et al. (US. 6,349,113 B1) discloses moving a shadow, and capturing the shadow using a video captures part. Mech et al. uses difference in image luminances between frames to determine the position of the shadow at those frames to determine time associated with that shadow information. Mech et al. does detect both shadow information and temporal information. Mech et al does not determine the shadow information in spatial coordinate systems, and determines the temporal information in a temporal coordinate system, as commonly included in each of the independent claims 1,10, 12, 26, 33, 34, 36, 37, 44, 47, 53, 55, 56 and 58 the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious.

5. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Group Art Unit 2623  
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